

Leah Farrell (Bar No. 13696)
John Mejia (Bar No. 13965)
AMERICAN CIVIL LIBERTIES UNION OF
UTAH FOUNDATION, INC.
355 N. 300 W.
Salt Lake City, UT 84103
(801) 521-9862
(801) 532-2850 (fax)
lfarrell@acluutah.org
jmejia@acluutah.org

*Attorneys for Plaintiff
Planned Parenthood Association of Utah*

**Admitted pro hac vice*

Julie Murray*
PLANNED PARENTHOOD FEDERATION
OF AMERICA
1110 Vermont Avenue, NW, Suite 300
Washington, DC 20005
(202) 803-4045
(202) 296-3480 (fax)
julie.murray@ppfa.org

Jennifer Sandman*
PLANNED PARENTHOOD FEDERATION
OF AMERICA
123 William Street, 9th Floor
New York, NY 10038
(212) 261-4584
(212) 247-6811 (fax)
jennifer.sandman@ppfa.org

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

PLANNED PARENTHOOD
ASSOCIATION OF UTAH, on behalf of
itself and its patients, physicians, and staff,

Plaintiff,

v.

JOSEPH MINER, in his official capacity as
Executive Director of the Utah Department
of Health, *et al.*,

Defendants.

Case No. 2:19-cv-00238

**PLAINTIFF'S OPPOSITION
TO MOTION BY JONATHAN
PETERSON TO SUBMIT EVIDENCE
AS AMICUS CURIAE SUPPORTING
DEFENDANTS**

Hon. Clark Waddoups

Plaintiff Planned Parenthood Association of Utah challenges the constitutionality of H.B. 136, which bans nearly all abortions at or after 18 weeks of pregnancy. On May 6, 2019, Mr. Jonathan Peterson, a Utah resident who states he is not a lawyer, filed a Motion to Submit Evidence by Amicus Curiae in support of Defendants in this case. *See* ECF No. 37.

The uncompleted document styled as an “ethics test” and other information provided by Mr. Peterson, including information related to the use of bathrooms by transgender students, are “not helpful in resolving the issues presented here.” *Han-Noggle v. City of Albuquerque*, 632 F. App’x 476, 482 n.4 (10th Cir. 2015). In addition, Mr. Peterson’s identity as a “US Citizen” is not an “adequate interest” in this case to justify his participation as an amicus. *Hydro Res., Inc. v. EPA*, 608 F.3d 1131, 1143 n.7 (10th Cir. 2010).

Accordingly, even if this Court were to construe Mr. Peterson’s motion as one to participate as amicus curiae in support of defendants, the motion should be denied.

Respectfully submitted,

s/ Julie Murray

Julie Murray*

PLANNED PARENTHOOD FEDERATION
OF AMERICA
1110 Vermont Avenue, NW, Suite 300
Washington, DC 20005
(202) 803-4045
(202) 296-3480 (fax)
julie.murray@ppfa.org

Jennifer Sandman*

PLANNED PARENTHOOD FEDERATION
OF AMERICA
123 William Street, 9th Floor
New York, NY 10038
(212) 261-4584
(212) 247-6811 (fax)
jennifer.sandman@ppfa.org

Dated: May 7, 2019

Leah Farrell (Bar No. 13696)
John Mejia (Bar No. 13965)
AMERICAN CIVIL LIBERTIES UNION OF
UTAH FOUNDATION, INC.
355 N. 300 W.
Salt Lake City, UT 84103
(801) 521-9862
(801) 532-2850 (fax)
lfarrell@acluutah.org
jmejia@acluutah.org

*Attorneys for Plaintiff Planned
Parenthood Association of Utah*

** admitted pro hac vice*

CERTIFICATE OF SERVICE

I certify that on May 7, 2019, I electronically filed the foregoing **PLAINTIFF'S OPPOSITION TO MOTION BY JONATHAN PETERSON TO SUBMIT EVIDENCE AS AMICUS CURIAE SUPPORTING DEFENDANTS** using the Court's electronic filing system, which will serve counsel for all parties by e-mail:

David N. Wolf
dnwolf@agutah.gov
Lance Sorenson
lancesorenson@agutah.gov
Assistant Utah Attorneys General
Office of the Utah Attorney General

Darcy Goddard
Office of the Salt County District Attorney
Dgoddard@slco.org

I also certify that on May 7, 2019, I caused a copy of the foregoing **PLAINTIFF'S OPPOSITION TO MOTION BY JONATHAN PETERSON TO SUBMIT EVIDENCE AS AMICUS CURIAE SUPPORTING DEFENDANTS** to be mailed by First Class mail to:

Jonathan L. Peterson
3670 S. Red Maple Road
Salt Lake City, UT 84106

s/ Julie Murray
Julie Murray